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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 004779

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SUBJECT: INTERNATIONAL LAWYERS APPLY TO REPRESENT SADAAM  
HUSSEIN

Classified By: DEPUTY CHIEF OF MISSION DAVID M. SATTERFIELD  
FOR REASONS 1.4 (B) AND (D).

1. (S) SUMMARY: Former U.S. Attorney General Ramsey Clark, Issam al-Ghazzawi (Jordan), and Dr. Najeeb Al-Noaimi (Qatar) are seeking to join the defense team of Saddam Hussein in the Ad Dujayl trial now in front of the Iraqi High Tribunal (IHT). The principal Iraqi attorney for Saddam Hussein, Kaleel al-Dolami, sponsored their applications to join the team in open court on November 28. The Regime Crimes Liaison Office (RCLO) expects that the IHT will formally admit these three lawyers on December 5 after it reviews the submitted paperwork. END SUMMARY.

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ARRIVAL IN BAGHDAD  
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2. (S) On August 24, Saddam Hussein affirmed that he had fired all of his attorneys (including any non-Iraqi lawyers working on the case) except his principal Iraqi attorney, Kaleel al-Dolami. Notwithstanding this affirmation, on November 23, Ramsey Clark sent the IHT a set of letters (dated November 22) requesting that the IHT admit him, Mr. Ghazzawi, and Dr. Al-Noaimi as defense lawyers in the ongoing Ad Dujayl trial. The request was unclear in that Mr. Clark stated that he wished to represent Kaleel al-Dolami on security matters as opposed to representing a particular defendant.

3. (S) On November 23, the IHT sent an email to Mr. Clark (through Dr. Curtis Doebbler, a U.S. human rights attorney who has represented the Taliban and other notorious figures) affirming that "in principal" a meeting between the IHT and the international lawyers could occur on November 26. The email stipulated, however, that, before any meeting could take place, the lawyers had to clarify who are their clients and what are the issues they seek to discuss; the lawyers also would have to submit the appropriate paperwork for admission to the IHT. The non-Iraqi defense attorneys did not respond substantively to this email. Instead, they confirmed that they would appear in Iraq on November 26 and immediately booked plane tickets to Baghdad. Through Dr. Doebbler, the lawyers contacted the RCLO and demanded security arrangements. The IHT and the RCLO sent several communications (by email and telephone) to Mr. Clark, repeating the IHT's position that it would not meet with the lawyers unless Mr. al-Dolami filed the appropriate paperwork on their behalf for admission to practice before the Tribunal. Moreover, the IHT and the RCLO advised that neither body would provide security for the lawyers absent their formal admission.

4. (S) Despite these warnings, Mr. Clark, Mr. al-Ghazzawi, and Dr. Al-Noaimi arrived in Iraq on November 26. The RCLO secured transport to the IZ for the attorneys and arranged for their housing at the Al-Rasheed hotel. Despite the fact that Mr. Clark had ignored the IHT's and the RCLO's warnings not to come to Baghdad until the lawyers had been admitted to the court and security had been arranged, RCLO provided security to the three lawyers in the form of secure transportation and housing.

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Proceedings Before the Court  
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5. (S) Upon arriving in Iraq, the RCLO made sure that each non-Iraqi lawyer underwent a security screening to allow their entry to the IHT. Chief Judge of the Ad Dujayl trial chamber, Rizgar Mohammed Amin, invoked Article 19(4) of the IHT Statute and stated that the three attorneys were entitled to represent Saddam Hussein if: Saddam submitted a written power of attorney to the Tribunal; each attorney submitted proof that his law license was valid; and Mr. al-

Dolami submitted a request for their admittance on behalf of Saddam. RCLO attorneys communicated this advice to the three non-Iraqi lawyers.

16. (S) Dr. Al-Noami and Mr. Al-Ghazzai each carried with them valid bar identification cards from their home countries. Mr. Clark brought a copy of his admittance to the U.S. Supreme Court but failed to provide a certificate of good standing from New York or Washington, DC, the two state bars in which he claims membership. Each lawyer also presented a copy of a power of attorney which Saddam Hussein previously had granted to them at the request of Mr. al-Dolami. Mr. al-Dolami submitted the documents to Judge Rizgar in open court on November 28 after Saddam Hussein affirmed in original ink that he was requesting the assistance of these attorneys. Judge Rizgar granted the lawyers' application to appear before the Court and allowed them to sit in court on November 28 even though the IHT had not yet formally admitted them.

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Experience of International Lawyers  
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17. (U) William Ramsey Clark is a well-known civil rights lawyer and activist. He served in the U.S. Marine Corps in 1945-46 and earned a law degree from the University of Chicago in 1950. He worked at the law firm of Clark, Reed, and Clark from 1951 to 1961 until his appointment as Assistant Attorney General of the Lands Division (1961-1965) and Deputy Attorney General (1965-1967) of the U.S. In 1967, President Johnson appointed Mr. Clark to the position of U.S. Attorney General. He served in that capacity until 1969. Following his term as Attorney General, Mr. Clark worked as a law professor and was active in the anti-Vietnam War movement. He also has provided legal advice to many controversial figures including Slobodan Milosevic, Charles Taylor from Liberia, and Branch Davidian leader David Koresh. Not an expert in international law, he is expected to serve as a figurehead for the defense team.

18. (S) Dr. Najeeb Al-Noaimi is the former Minister of Justice of Qatar and an expert in public international law. According to Dr. Al-Noami, he has litigated before the International Court of Justice, having served as an agent in the Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons Case. He also served as a legal adviser to the International Criminal Court. According to Dr. Al-Noami's website, he graduated from Alexandria University in 1981 and received a Ph.D. in international law from Dundee University in the U.K. in 1987.

19. (S) Issam M. Al-Ghazzawi is a Jordanian lawyer who has served on the defense team of Saddam Hussein for several years. His bar registry number is 2963 and is valid until December 31, 2005.

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Future Arrangements for International Defense Lawyers  
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10. (S) The lawyers have informed the RCLO that they and Kaleel al-Dolami intend to depart Iraq on November 29, and the RCLO has agreed to provide them secure transport from the Al-Rasheed Hotel to Baghdad International Airport.

11. (S) The trial will resume on December 5. RCLO has asked the lawyers to give advance notice of their return trip plans in order to prepare their security. The three lawyers will be provided security similar to that offered to other defense counsel in the case. All accommodations for Mr. Clark result from his participation in the case, rather than from his former position with the United States.

KHALILZAD